

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SUSAN ROUTH, *et al.*,

Plaintiffs,

v.

SEIU HEALTHCARE 775NW,

Defendant.

NO. 2:14-cv-00200-MJP

**ANSWER OF DEFENDANT
SEIU HEALTHCARE 775NW
TO FOURTH AMENDED
COMPLAINT**

Defendant SEIU 775, erroneously referred to in the Complaint as SEIU HEALTHCARE 775NW, answers Plaintiffs' Fourth Amended Complaint:

1.1 Defendant lacks information or knowledge sufficient to form a belief about the truth of the allegations of the first sentence and therefore denies the allegations. With respect to the second sentence, defendant lacks information sufficient to form a belief about the truth of the allegation that one or more of the plaintiffs is currently an Individual Provider. Defendant admits that plaintiffs have paid union dues and/or agency fees pursuant to the statutes and contracts challenged in this litigation.

1.2 Defendant admits that it is a labor union and that the quoted language in the paragraph accurately quotes its website.

2.1 Admitted.

2.2 Admitted.

2.3 Admitted.

3.1 The allegations are legal conclusions to which no response is required.

3.2 The allegations are legal conclusions to which no response is required.

3.3 The allegations are legal conclusions to which no response is required.

3.4 The first, second, and third sentences comprise allegations that are legal conclusions to which no response is required. The fourth sentence is admitted.

3.5 The allegations are legal conclusions to which no response is required.

3.6 The allegations are legal conclusions to which no response is required.

3.7 The first sentence comprises allegations that are legal conclusions to which no response is required. The second sentence is admitted.

3.8 The allegations are legal conclusions to which no response is required.

4.1 Defendant admits that prior to *Harris v. Quinn*, 134. S. Ct. 2618 (2014), all Individual Providers, other than religious objectors, were required to pay either union dues or fair share fees to SEIU 775 as a condition of employment. The last sentence comprises allegations that are legal conclusions to which no response is required.

4.2 The first sentence is admitted. The second sentence is denied.

4.3 The first sentences and second sentences comprise allegations that are legal conclusions to which no response is required. The third sentence is admitted.

4.4 Denied.

5.1 The paragraph comprises allegations that are legal conclusions to which no response is required. To the extent a response is required, defendant denies plaintiffs have

1 suffered a constitutional injury. Defendant admits that plaintiffs have not received refunds.
2 Defendant admits it acted under color of law with respect to receiving the dues/fees at issue.

3 5.2 The allegations are legal conclusions to which no response is required. To the
4 degree a response is required, defendant denies the allegations.

5 6.1 The allegations are legal conclusions to which no response is required.

6 7.1 The allegations are legal conclusions to which no response is required. To the
7 extent a response is required, the allegations are denied.

8 7.2 The allegations are legal conclusions to which no response is required.

9 7.3 The allegations are legal conclusions to which no response is required.

10 7.4 The allegations are legal conclusions to which no response is required.

11 **AFFIRMATIVE DEFENSES**

12 1. Failure to state a claim upon which relief can be granted.

13 2. Estoppel.

14 3. Waiver.

15 4. Statute of limitations.

16 5. Good faith reliance on a lawfully enacted statute.

17 6. Qualified immunity.

18 7. Failure to exhaust internal union remedies.

19 WHEREFORE, defendant SEIU 775 prays the Court to award it the following relief:

20 1. Dismiss plaintiffs' claims against defendant with prejudice;

21 2. Award defendant its costs of litigation;

22 3. Award defendant such other and further relief as the Court deems just and proper.

1 DATED this 28th day of January 2019.

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3 FRANK FREED SUBIT & THOMAS LLP

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CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel/parties of record. I hereby certify that no other parties are to receive notice.

By: /s/ Michael C. Subit
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